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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 26 1995

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Snyder Concrete Products, Inc.
Lee E. Snyder, President
c/o A. Mark Segreti, Jr.
Young & Alexander Co., L.P.A.
P.O. Box 668 Mid-City Station
Dayton, Ohio 45402-0668

Re: Request for Information Pursuant to Section 104(e) of CERCLA
for the Sanitary Landfill Company (IWD) Superfund Site in
Moraine, Ohio

Dear Sir:

On April 17, 1995, you responded on behalf of Snyder Concrete Products, Inc. ("SCPI") to an Information Request issued by the United States Environmental Protection Agency ("U.S. EPA") regarding the above-referenced Superfund Site. The U.S. EPA has reviewed your response and it finds that your response is inadequate for the reasons discussed below.

You have failed to adequately respond to Requests 7, 8.b and 8.c. These requests ask for financial information regarding SCPI. You assert that disclosure of such matters may be prejudicial to SCPI's interest in the pending litigation between SCPI and the Cardington Road Site Coalition and that disclosure of such information should await the resolution of that litigation. While U.S. EPA understands that SCPI may wish to have the court in the pending lawsuit resolve the disclosure of such information, that is a right SCPI does not enjoy.

Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. §9601, et seq., gives U.S. EPA authority to seek certain information relating to Superfund sites. Specifically, §104(e)(C) authorizes U.S. EPA to seek information "relating to the ability of a person to pay for or perform a cleanup." The information requests you failed to answer are clearly related to the ability of a person to pay for or perform a cleanup. They are precisely the type of information requests which the Court in United States v. Pretty Products, Inc., et al., 780 F. Supp. 1488 (S.D. Ohio 1991) held were enforceable by the district court.

You must provide the information requested notwithstanding its possible characterization as confidential information or a trade secret. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by U.S. EPA, it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7) of CERCLA.

Enclosed is a copy of the January 30, 1995 Information Request. You must answer Requests 7 and 8.b and 8.c within fourteen (14) days of receipt of this letter. Failure to respond fully and truthfully to each of these Requests, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to §104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Indeed, Judge Rice recently entered a consent decree pursuant to which U.S. EPA, Region V received a civil penalty of \$1.2 million dollars from the Container Corporation as a result of its violations of §104(e) of CERCLA.

Please be further advised that "non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each request. Provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

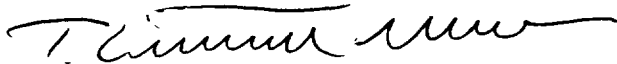
Your response to this Information Request should be mailed to:

Karen L. Peaceman, 5CS-29A
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region V
77 W. Jackson
Chicago, IL 60604

Please direct any legal questions you may have to Karen L. Peaceman at (312) 353-5751. If you have any technical questions, contact Kevin Turner at (312) 886-4444.

Thank you for your cooperation in this matter.

Sincerely,



for: Larry Kyte, Acting Chief
Solid Waste & Emergency Response Branch

Enclosure

cc: Kevin Turner



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 30 1995

REPLY TO THE ATTENTION OF:
C-30A

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Snyder Concrete Products, Inc.
President--Lee E. Snyder
2620 Lance Drive
Dayton, Ohio 45409

Re: Request for Information Pursuant to Section 104(e) of CERCLA
for the Sanitary Landfill Company (IWD) Superfund Site in
Moraine, Ohio.

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has completed investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, at the Sanitary Landfill Company (IWD) Superfund Site, located at 1855 Cardington Road in Moraine, Ohio (hereinafter referred to as the "Site"). U.S. EPA has issued a Record of Decision for the Site, and will enter into negotiations with responsible parties for the cleanup of the Site later this year. U.S. EPA is investigating the ability of persons connected with the Site to pay for or perform a clean-up of the Site. It has been determined that you are a potentially responsible party ("PRP") for the Site, within the meaning of section 107 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9607, due to your position as an operator of the Site property.

Pursuant to the authority of Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), you are hereby requested to respond to the Information Requests enclosed. Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e)(5) of CERCLA which, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by U.S. EPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each

Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. § 1001. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Your response to this Information Request should be mailed to:

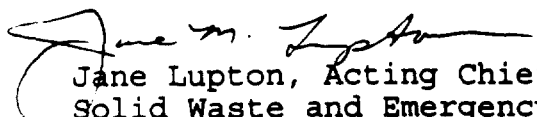
Kevin Turner
Remedial Project Manager
U.S. Environmental Protection Agency, HSRM-6J
77 West Jackson Boulevard
Chicago, Illinois 60604

Please direct any legal questions you may have to John J. Breslin at (312) 886-7165. If you have any other questions contact Kevin Turner at (312) 886-4444.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, U.S. EPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,



Jane Lupton, Acting Chief
Solid Waste and Emergency Response Branch

Enclosure

cc: John Breslin, C-30A
Kevin Turner, HSRM-6J

INSTRUCTIONS

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information not known or not available to the Respondent as of the date of submission of its response should later become known or available, Respondent must supplement its response to U.S. EPA. Moreover, should the Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, respondent must notify U.S. EPA as soon as possible.
5. For each document produced in response to this request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Request on the basis of all information and documents in your possession, custody or control or in the possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating that a diligent record search has been completed and that there has been a diligent interviewing process with all persons who may have knowledge of events or transactions which are the subject of these Requests. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or their representatives, this information shall be in the form of a notarized affidavit.
8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR 2.203(b). Information covered by such a claim will be disclosed by U.S. EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (December 18, 1985)]. If no such claim accompanies the information when it is received by U.S. EPA it may be made available to the public by U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

DEFINITIONS

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of the Request, and/or the addressee's officers, managers, employees, contractors, trustees, predecessors, successors, assigns, subsidiaries, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. "The Site" or "The Facility" shall mean and include the entire property on which the Sanitary Landfill Company (IWD) Superfund Site, 1855 Cardington Road in Moraine, Ohio is located, referenced to as the Site.
4. The terms "furnish", "describe", or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody, or control of the Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

5. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.) organization, if any, and a brief description of its business.

7. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance of the subject matter.

8. As used here, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by the way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements, and the like, diary, calendar, desk pad, scrap book, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc, or disc pack; and any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any documents and (e) every document referred to in any other document.

9. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

REQUESTS

1. Identify all persons consulted in the preparation of the answers to these Information Requests.
2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of such documents.
3. If you have reason to believe that there may be persons who are able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.
4. List the EPA Identification Numbers of the Respondent, if any.
5. Identify all persons having knowledge of or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by you, your contractors, or by prior owners and/or operators of the Site.
6. Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials? If the answer to the preceding question is anything but an unqualified "no", identify:
 - a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;
 - b. Who supplied you with such hazardous substances;
 - c. How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - d. When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - e. Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
 - f. The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
7. Provide copies of all federal and state income tax returns filed in the last three years.

8. If Respondent is a Corporation, respond to the following requests:
- a. Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.
 - b. Provide Respondent's financial statements for the past five fiscal years, including, but not limited to those filed with the Internal Revenue Service.
 - c. Identify all of Respondent's current assets and liabilities and the persons who currently own or are responsible for such assets and liabilities.
9. State whether at any time you merged or consolidated with any other entity or company, purchased stock or assets of any other company or entity, previously were known under the name of any other company or entity, or changed your name or assumed the name of any other company or entity, and describe in detail the circumstances of such merger, consolidation, asset or stock purchase, name change or assumption, including the dates thereof. In addition, identify all documents relating to or referring to any merger, consolidation, asset or stock purchase, name change or assumption.
10. Have you or any other person working with you or on your behalf ever accepted waste materials for transportation to the Site from any person? If the answer to this question is anything but an unequivocal "no," identify:
- a. The persons from whom you or such other persons accepted waste materials for transport to the Site;
 - b. Every date on which waste materials were so accepted or transported;
 - c. For each transaction, the nature of the waste materials accepted or transported, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the material was used or the process which generated the material;
 - d. For each material, describe any warnings given to you with respect to its handling;
 - e. The owner of the materials so accepted or transported;
 - f. The quantity of the material involved (weight or volume) in each transaction and the total quantity for all transactions;

- g. All tests or analyses and analytical results concerning each material;
 - h. The price charged for transport and/or disposal per drum, barrel, container, load (or whatever unit used) of waste materials brought to the Site.
 - i. Identify each and every driver who transported any waste materials to the Site, providing full name, current or most recent address, and current or most recent employer. If the current address is unknown to you, please provide any information that would be useful in locating the person(s).
 - j. Identify any other current or former employees other than drivers who have personal knowledge of waste materials being transported to the Site, providing full name, current or most recent address, and current or most recent employer. If the current address is unknown to you, please provide any information that would be useful in locating the person(s).
11. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. In addition, identify the following:
- a. The persons with whom you or such other persons made such arrangements;
 - b. Every date on which such arrangements took place;
 - c. For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;
 - d. The owner of the waste materials or hazardous substances so accepted or transported;
 - e. The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
 - f. All tests, analyses, and analytical results concerning the waste materials;

- g. The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;
 - h. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
 - i. Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;
 - j. Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
 - k. What was actually done to the waste materials or hazardous substances once they were brought to the Site;
 - l. The final disposition of each of the waste materials or hazardous substances involved in such transactions;
 - m. The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substances involved in each transaction;
 - n. The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;
 - o. The price paid for (i) transport or (ii) disposal of (iii) both, of each waste material and hazardous substance;
 - p. All documents containing information responsive to a.-o. above, or in lieu of identification of all relevant documents, provide copies of all such documents;
 - q. All persons with knowledge, information, or documents responsive to a.-o. above.
12. Have you performed any excavation, site grading or other activities which involved soil displacement at the portion of Respondent's site comprising the Cardington Road Landfill? If your answer is anything other than an unqualified "no", identify:

- a. The dates of such activities;
- b. All plans or other information regarding the extent of work;
- c. All information regarding conditions encountered; and
- d. Whether any waste materials were uncovered, and any unusual soil conditions (e.g. discoloration, odor, etc.).

Provide copies of all documents relating to this information.